

**REMARKS**

The Examiner has rejected claims 9 through 11 U.S.C. §102(e). In view of the above amendments and the following remarks, the Applicant respectfully requests the Examiner to reconsider the withdrawal of the currently pending rejections.

The Section 102(e) Rejections

The Examiner has rejected claims 9 through 11 under 35 U.S.C. §102(e) as allegedly being anticipated by the Maroney et al. reference. The Examiner has pointed out that every element of the above independent claims has been disclosed by a single cited reference. Without necessarily agreeing with the Examiner's characterization of the cited reference, the Applicant has further amended to clarify the subject matter limitations of the current invention.

Newly amended independent claim 9 now each explicitly recites "obtaining a fiber fuse propagation threshold which is a minimal light output required for fiber fuse propagation is obtained by the following liner expression:  $P_{th}=0.15 \cdot D$  wherein  $P_{th}$  is a fiber fuse propagation threshold (W) and  $D$  is MFD of the optical fiber ( $\mu\text{m}$ ).". Similarly, newly amended independent claim 10 now each explicitly recites "a fiber fuse propagation threshold  $P_{th}$  which is a minimal light output required for fiber fuse propagation is obtained by the following liner expression:  $P_{th}=0.15 \cdot D$  wherein  $P_{th}$  is fiber fuse propagation threshold (W) and  $D$  is MFD of the optical fiber ( $\mu\text{m}$ ).". In other words, the current invention as explicitly recited in newly amended independent claims 9 and 10 calls for the "threshold value" that is determined by the specified equation, " $P_{th}=0.15 \cdot D$  wherein  $P_{th}$  is a fiber fuse propagation threshold (W) and  $D$  is MFD of the optical fiber ( $\mu\text{m}$ ).".

The above amendments to the independent claims are supported by the original disclosure of the current application on page 26. Thus, no new matter has been added to the current application by the above claim amendments.

In contrast to the above patentable feature of the current invention, the cited portion of the Maroney et al. reference fails to anticipate the claimed threshold value determination based upon the explicitly recited linear expression. Although the Maroney et al. prior art reference discloses the  $P_{th}$  threshold determination in equations (1), (2) and (3) in columns 4 and 5, none of these equation anticipates the claimed threshold determination.

Newly amended independent claims both require that the threshold determination based upon " $P_{th}=0.15 \cdot D$ ," which is a lot simpler than the relations that are disclosed in the Maroney et al. reference.

For these reasons, the cited reference fails to anticipate the patentable features of the current invention as explicitly recited in newly amended independent claims 9 and 10. Dependent claim 11 is also patentably distinct since it ultimately depends from newly amended independent claim 10 and incorporates the patentable features of the newly amended independent claim. Therefore, the Applicant respectfully submit to the Examiner that the rejection of claims 9 through 11 under 35 U.S.C. §102(e) should be withdrawn.

#### Newly Added Claim

Newly added claims 21 and 22 respectively depend from newly amended independent claims 9 and 10 and incorporate the patentable features of the newly amended independent claims. The newly added dependent claims are supported by the original disclosure of the current application on page 25. Thus, no new matter has been added to the current application by the above newly added claims.

**DOCKET NO.: KAWA-1001**

**PATENT**

**Application No.: 10/541,523**

**Response to Office Action of June 15, 2007**

**Amendment dated December 11, 2007**

**Page -7-**

**Conclusion**

In view of the above amendments and the foregoing remarks, Applicant respectfully submits that all of the pending claims are in condition for allowance and respectfully request a favorable Office Action so indicating.

Respectfully submitted,

**/KEN I. YOSHIDA/**

Date: December 11, 2007

Ken I. Yoshida, Esq.  
Reg. No. 37,009

KNOBLE YOSHIDA & DUNLEAVY LLC  
Eight Penn Center, Suite 1350  
Customer No. 21,302  
1628 John F. Kennedy Blvd.  
Philadelphia, PA 19103  
(215) 599-0600